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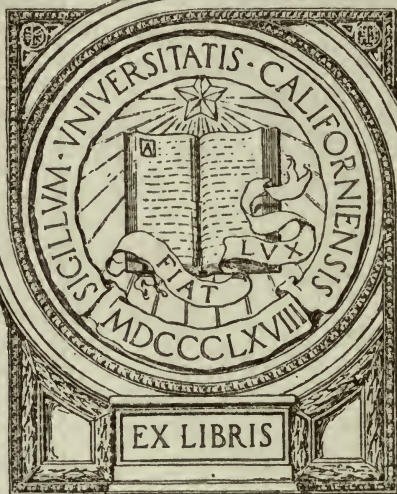
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GIFT OF
Mr. H. L. Leupp



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SPECIAL REGULATIONS NO. 72

ALLOTMENTS, FAMILY ALLOWANCES,
COMPENSATION, AND INSURANCE

UNDER

WAR RISK INSURANCE ACT

AND

ACT OF MARCH 2, 1899, AS AMENDED BY PUBLIC
NO. 66, SIXTY-FIFTH CONGRESS

(Section VI, Bulletin No. 61, W. D., 1917)

1918

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THE UNITED STATES OF AMERICA

DEPARTMENT OF THE INTERIOR

THE BUREAU OF LAND MANAGEMENT

Gift of H. L. Leupp



SPECIAL REGULATIONS No. 72.

WAR DEPARTMENT,
WASHINGTON, *February 28, 1918.*

The following regulations and instructions relative to the administration of the war risk insurance act and allotments of pay under the act of Congress approved March 2, 1899, as amended, by Public, No. 66, Sixty-fifth Congress (Section VI, Bulletin No. 61, War Department, 1917), in the Army are published for the information and guidance of all concerned.

[004.61, A. G. O.]

BY ORDER OF THE SECRETARY OF WAR:

JOHN BIDDLE,
Major General, Acting Chief of Staff.

OFFICIAL:

H. P. McCAIN,
The Adjutant General.

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ALLOTMENTS, FAMILY ALLOWANCES, COMPENSATION, AND INSURANCE.

SECTION I.

GENERAL PROVISIONS.

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1. Articles of war risk insurance act.—The act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department, approved October 6, 1917, is separated into four articles:

Article I (sections 1-26), general provisions.

Article II (sections 200-210), allotments and family allowances.

Article III (sections 300-314), compensation for death or disability.

Article IV (sections 400-405), insurance.

2. Classification of allotments.—Allotments are classified as follows:

Class A. Compulsory allotments under war risk insurance act to dependent relatives of Class A, paragraphs 28-32.

Class B. Voluntary allotments under war risk insurance act to dependent relatives of Class B, paragraphs 33-34.

Class C. Government insurance premiums under war risk insurance act, paragraphs 62-64.

Class D. Allotments under war risk insurance act for the payment of premiums on insurance policies held in private companies, societies, or organizations, paragraph 66.

Class E. Allotments under the act of Congress approved March 2, 1899, as amended by later acts, approved March 2, 1901, and October 3, 1917, paragraphs 43-49.

3. Establishment and administration of Bureau of War Risk Insurance.—The war risk insurance act established in the Treasury Department a Bureau of War Risk Insurance composed of a Division of Marine and Seamen's Insurance and a Division of Military and Naval Insurance. The general administration of the act is, by section 13, vested in the Treasury Department, through the director of the bureau, provision being made in section 15 for the cooperation of other departments of the Government. The sections referred to are as follows:

SEC. 13. That the director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this act, and for that purpose have full power and authority to make rules and regulations, not inconsistent with the provisions of this act, necessary or appropriate to carry out its purposes, and shall decide all questions arising under the act, except as otherwise provided in sections five and four hundred and five.

Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury. The director shall adopt reasonable and proper rules to govern the procedure of the divisions, to regulate the matter of the compensation, if any, but in no case to exceed ten per centum, to be paid to claim agents and attorneys for services in connection with any of the matters provided for in articles two, three, and four, and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotment, compensation, or insurance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the method of making investigations and medical examinations, and the manner and form of adjudications and awards.

* * * * *

SEC. 15. * * * The director may obtain such information and such reports from officials and employees of the departments of the Government of the United States and of

the States as may be agreed upon by the heads of the respective departments.

4. War Department cooperation with Treasury Department.—To effect cooperation between the Treasury Department and the War Department, the latter will explain to the personnel of the Army their privileges and duties under the act; supervise the preparation of applications and correct those improperly filled out; and, transmit to, and secure from, the personnel of the Army, information and data required by the Treasury Department in connection with the administration of the act.

5. Rulings and decisions of bureau govern.—Such additional regulations, decisions, and rulings relative to the war risk insurance act as may be issued by the director of the bureau will govern all concerned.

6. Channels of communication within the Army and to and from the bureau.—Except as otherwise provided, all communications to and from the Bureau of War Risk Insurance concerning the administration of the act will be transmitted through the commander of the department, division, recruiting depot, or port of embarkation concerned. Commands ordinarily exempted from the control of department commanders and not enumerated above, will, for purposes of the war risk insurance act, be considered as a part of the department in the territorial limits of which they are situated. Communications concerning personnel stationed in Europe will be transmitted through general headquarters, American Expeditionary Forces. Communications relative to military policy or Army administration will be addressed to The Adjutant General of the Army. Communications relating in any way to deceased officers or enlisted men, and those discharged or otherwise separated from the service, will invariably be addressed to The Adjutant General of the Army, except as provided in paragraph 7.

7. Reports in case of death, discharge, appointments, or desertion.—In case of the death, discharge, appointment as commissioned officer, or desertion of an enlisted man, his company or detachment commander will report such fact with the date of death, discharge, or desertion, or acceptance of appointment direct to The Adjutant General of the Army, *such report to be sent by telegram if death, discharge, or desertion occurs on or after the 20th of the month.* In the Philippine, Hawaiian, and Panama Canal Departments, and in the American Expedi-

tionary Forces, the reports will be made to the commanders of these departments or forces, who will transmit the information to *The Adjutant General of the Army* by cable. In case of death this report will show the amount of insurance in effect at date of death. The Adjutant General will at once notify the Bureau of War Risk Insurance and the depot quartermaster, Washington, D. C. In Europe, when practicable, the report of the names of men missing will be separated from those absent without leave.

8. Terms used in the war risk insurance act.—Section 22 of the war risk insurance act reads as follows:

SEC. 22. That for the purpose of this amendatory act the marriage of the claimant to the person on account of whom the claim is made shall be shown—

(1) By a duly verified copy of a public or church record; or

(2) By the affidavit of the clergyman or magistrate who officiated; or

(3) By the testimony of two or more eyewitnesses to the ceremony; or

(4) By a duly verified copy of the church record of baptism of the children; or

(5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such relation continued: *Provided*, That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes, shall be proven in compensation or insurance cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to compensation or insurance accrued; and the open and notorious illicit cohabitation of a widow who is a claimant shall operate to terminate her right to compensation or insurance from the commencement of such cohabitation: *Provided further*, That for the purpose of the administration of Article II of this act marriage shall be conclusively presumed, in the absence of proof, that there is a legal spouse living, if the man and woman have lived together in the openly acknowledged relation of husband and wife during the two years immediately preceding the date of the declaration of war, or the date of enlistment

or of entrance into or employment in active service in the military or naval forces of the United States if subsequent to such declaration.

In Articles II, III, and IV of this act, unless the context otherwise requires—

(1) The term "child" includes—

(a) A legitimate child.

(b) A child legally adopted more than six months before the enactment of this amendatory act or before enlistment or entrance into or employment in active service in the military or naval forces of the United States, whichever of these dates is the later.

(c) A stepchild, if a member of the man's household.

(d) An illegitimate child, but, as to father only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, and if such child, if born after December thirty-first, nineteen hundred and seventeen, shall have been born in the United States, or in its insular possessions.

(2) The term "grandchild" means a child as above defined of a child as above defined.

(3) Except as used in section four hundred and one and in section four hundred and two the terms "child" and "grandchild" are limited to unmarried persons either

(a) under eighteen years of age, or (b) of any age, if insane, idiotic, or otherwise permanently helpless.

(4) The term "parent" includes a father, mother, grandfather, grandmother, stepfather, and stepmother, either of the person in the service or of the spouse.

(5) The terms "brother" and "sister" include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

(6) The term "commissioned officer" includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States.

(7) The terms "man" and "enlisted man" mean a person, whether male or female, and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers, and members of training camps authorized by law.

(8) The term "enlistment" includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

(9) The term "commissioner" means the commissioner of military and naval insurance.

(10) The term "injury" includes disease.

(11) The term "pay" means the pay for service in the United States according to grade and length of service, excluding all allowances.

(12) The term "military or naval forces" means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy.

Relative to paragraph (11), section 22, quoted above, decision (T. D. 6, W. R.), Bureau of War Risk Insurance, Treasury Department, reads as follows:

(1) Pay in the Army and Marine Corps for the purpose of the act of October 6, 1917, includes (a) base pay with the increase thereof granted by section 10 of the act of May 18, 1917; (b) continuous-service pay; and excludes all other forms of pay, such as extra-duty pay, pay for marksmanship, rated positions, certificates of merit, aviation increase, foreign-service pay.

9. Punishment for fraud.—The attention of every person making claim for family allowance, compensation, or insurance will be directed to sections 25 and 26 of the act, which read as follows:

SEC. 25. That whoever in any claim for family allowance, compensation, or insurance, or in any document required by this act or by regulation made under this act, makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

SEC. 26. That if any person entitled to payment of family allowance or compensation under this act, whose right to such payment under this act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SECTION II.

PREPARATION AND DISPOSITION OF APPLICATIONS FOR ALLOTMENTS AND INSURANCE AND FOR CHANGES AND DISCONTINUANCE OF ALLOTMENTS.

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10. Preparation of forms and channels of transmittal.—Forms for allotments of pay and applications for family allowances and insurance of enlisted men will be filled out and signed in duplicate under the supervision of the company or detachment commander, who will forward the originals to the division, department, port of embarkation, or recruiting depot commander, as the case may be, retaining the duplicates for file with the records of the company or detachment. The division or other commander to whom the original applications are forwarded will cause them to be carefully examined, and unless found to be incomplete or improperly executed, will transmit them directly, except as hereinafter indicated, with letter of transmittal giving the name, rank, and organization of each applicant, to the Bureau of War Risk Insurance, Washington, D. C., or to the depot quartermaster, Washington, D. C., in case of Class E allotments. (See par. 45.) When an application is incomplete or improperly executed, it will be returned to the company or detachment commander for correction before transmittal to the Bureau of War Risk Insurance or to the Quartermaster General. The necessary changes will be made on both the original and duplicate copies. In the case of the American Expeditionary Forces in Europe,

the war risk insurance forms will be filled out and signed in triplicate, the original and one copy to be forwarded through the division commander to the commanding general, American Expeditionary Forces, who will transmit the original directly to Bureau of War Risk Insurance, Washington, D. C., retaining the copy for file at his headquarters. Allotment blank forms, 1 B, Bureau of War Risk Insurance, will be made out for every enlisted man entering the service of the United States whether he has dependent relatives or not. A man who has no dependents will be required to sign and execute the form, filling in the word "None" in the proper spaces. Form No. 38, Quartermaster Corps, will be used in stating Class E allotments, but if such form is not available, the allotment may be made by letter (par. 45). War risk insurance forms will be used in all other cases. Allotments of permanent civilian employees will be prepared on Form No. 38, Quartermaster Corps, and forwarded to division or other commander, as prescribed for Class E allotments of enlisted men.

11. Report of commanders upon arrival overseas.—When troops arrive overseas, a report will be made to the commanding general, American Expeditionary Forces, by the commanding officer showing the number of officers and enlisted men that have not submitted applications for insurance or family allowance under the war risk insurance act. Organizations will not be required to furnish to any headquarters or war risk section in France any copy of insurance or allotment applications executed prior to leaving the United States.

12. Scrutiny of application before transmittal.—Before witnessing a Class E allotment the company or detachment commander will satisfy himself that the allotment is not made for the purpose of obtaining an advance of the soldier's pay. When a bank is designated as allottee, the company or detachment commander will furnish the bank with the signature of the grantor, and also inform the bank of the amount and period of allotment. Such commanding officer will also, if possible, satisfy himself that the bank named has an existence.

13. Action in case of change of pay of enlisted man or status of beneficiary.—In case a change of a dependent relative or beneficiary affects the allotment (Class A or B), the family allowance, or the insurance the company or detachment commander will cause a new form to be prepared and forwarded as hereinbefore provided for original applications,

showing plainly thereon that such application is an amendment to application previously forwarded, marking the new form in a conspicuous place with the word "Change." (See par. 10.) New applications will not be forwarded in case of changes in pay status of enlisted men, the amounts shown on the abstracts of allotments furnishing all necessary information to the Bureau of War Risk Insurance.

14. Transmittal of application for insurance of officer.—

The original application of an officer for insurance will be forwarded through the division or other commander to the Director of the Bureau of War Risk Insurance, Washington, D. C. Instructions for preparation and disposition of forms for allotment of pay of officers are contained in paragraph 44.

15. Third parties making application for insurance.—

Third parties can not make insurance applications without authorization by officer or enlisted man making such person his agent in applying for such insurance. This ruling will require that in those cases in which the third parties have applied for such insurance the officer or enlisted man must, by formal or informal writing, authorize such person as his agent. Subsequent ratification is equivalent to previous authorization. (Opinion of the Attorney General of the United States.)

16. Discontinuance of allotments.—Discontinuance of allotments under the war risk insurance act will be made by letter or by use of such form as may be provided for the purpose, such discontinuance to be sent through the division or other commander to the Bureau of War Risk Insurance, but Q. M. C. Form No. 39 will not be used for this purpose. Class E allotments (see par. 48) will be discontinued on Q. M. C. Form No. 39, which will be forwarded direct to the depot quartermaster, Washington, D. C.

17. Notification of action taken on application.—Notification of action taken by the Bureau of War Risk Insurance with respect to war risk allotments, family allowances, and insurance applications will be sent to the division or other commander from whom the original applications were received, and by the latter transmitted through the company or detachment commander to the individual applicant, proper notation being made on the retained copies of the application. Notification of action taken on discontinuance of Class E allotments will be forwarded by the Depot Quartermaster, Washington, D. C., directly to company or detachment commanders in case of en-

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listed men, and in case of officers will be sent directly to such officer. (See par. 48.)

18. Notations made on service record.—War risk ^{allotments}allowances and insurance premiums will be entered on page 7 of the soldier's service record in space provided for "Clothing settlements." On separate lines, the following notations will be made, leaving a vacant line under each notation to allow for notice of discontinuance—

Class A family ^{allotment}allowance, \$----- per month.

Class B family ^{allotment}allowance, \$----- per month.

Government insurance premiums, \$----- per month. X

Private insurance premiums, \$----- per month—

as the case may be. Class E allotments will be entered in space provided for allotments at the bottom of page 7, interpolating the words "Class E" before "Allotments" in the heading.

19. Transmittal of record in case of transfer.—When an enlisted man is transferred or detached from his company, all papers pertaining to his allotments or insurance will be forwarded with the service record to his new company or detachment commander, a list of the papers so forwarded being entered on the retained copy of the indorsement on the service record. When any person, other than an enlisted man or a commissioned officer, having an allotment running, is transferred, the papers relating to such allotment will be forwarded with letter of transmittal to the new station of its allotter.

X "c. Enter the amount of the insurance on the service record in addition to the premium which is required by par. 18, Spec. Reg. 72."— W.D. G.O. 83-V, Sept. 10/18

SECTION III.

PAY ROLLS, PAY ACCOUNTS, AND ABSTRACTS OF ALLOTMENTS.

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20. Additional columns on pay roll.—Pending the preparation of a new form of pay roll, six narrow columns will be ruled on the right side of the column for "Remarks" on the present pay roll and headed, respectively, "Class A allowances," "Class A allotments," "Class B allowances," "Class B allotments," "Insurance premiums," and "Class E allotments." In the column headed "Class A allowances" company and detachment commanders will enter the estimated Class A allowances from information given on the war risk insurance application form. In the column headed "Class A allotments" the settling quartermasters will enter the amounts of allotments based on the allowances shown in the column headed "Class A allowances." In the column headed "Class B allowances," the company and detachment commanders will enter the estimated amounts of Class B allowances from information furnished by Treasury Department application form. In the column headed "Class B allotments" the settling quartermaster will enter the amounts of allotments for Class B based on the amounts given in the column headed "Class B allowances." In the column headed "Class E allotments" company and detachment commanders will enter the amount of allotments made on Q. M. C. Form No. 38 under old Army allotment system. No explanatory entry in column of "Remarks" is necessary except in the case of a charge or credit to correct an error on a previous roll.

21. Insurance premiums.—The monthly premium for Government insurance will be entered on pay rolls in the column headed "Insurance premiums," no explanatory entry being

made in the column of "Remarks" except in case of error on a previous roll and as indicated below. Care should be taken by the officer preparing the roll that the premium is increased on the anniversary of the date insurance became effective. (See also rules relating to prorating insurance premiums, par. 63.)

In the case of an enlisted man who has made a Class D allotment for the payment of premium in private companies, societies, or associations, the sum of such allotment and the Government insurance premium (Class C), if any, will be entered in the column headed "Insurance premiums," the amount for each purpose being stated in the column of "Remarks."

Class C allotments for Government insurance premiums and Class D allotments for the payment of private insurance premiums will be withheld from pay by the paying officer and not treated as collections.

22. Entries in case allotments and other charges exceed pay for month.—In the case of an enlisted man against whom charges may be made on the pay roll for post exchange, courts-martial fines, etc., which, with his allotment or allotments, more than absorb his pay, the proper entries will be made on the pay rolls monthly until the paying quartermaster can collect all due and pay a balance to the soldier.

23. Allotments and insurance premiums of officers.—Commissioned officers will note on their monthly pay accounts the amounts of Class E allotments and allotments for insurance premiums (Class C and Class D) in the following manner:

(a) Allotments other than for the payment of insurance premiums: "Deduct for allotment \$-----";

(b) Premium on Government insurance: "Deduct for insurance premium \$-----";

(c) Allotments to the Bureau of War Risk Insurance for the payment of premium on insurance in private companies, societies, and associations: "Deduct for allotment for private insurance premium \$-----."

24. Abstracts of allotments.—All disbursing officers paying commissioned officers, enlisted men, or permanent civilian employees will prepare abstracts of allotments and insurance premiums on Form No. 6, Q. M. C., in triplicate, one copy to be forwarded with original account current, one filed with retained account current, and one to be forwarded direct to the Bureau of War Risk Insurance, Washington, D. C., or to the

depot quartermaster, Washington, D. C., in case of Class E allotments. War Department disbursing officers with the American Expeditionary Forces will prepare an additional abstract of all allotments and insurance premiums and forward it directly to the Quartermaster General. In all cases the copies of abstracts for the War Risk Insurance Bureau and the Quartermaster General will be plainly marked in such a manner as to show the office or bureau for which they are intended—that is, “For Bureau of War Risk Insurance” and “For Quartermaster General.” Separate abstracts will be prepared for Class A allotments, Class B allotments, insurance premiums, and Class E allotments. These abstracts should be headed with the same title that heads the appropriate columns on the pay roll—that is, “Class A allotments,” “Class B allotments,” “Insurance premiums,” and “Class E allotments.”

In the case of an enlisted man who has made a Class D allotment the abstract will show separately the amount of such allotment and the amount of the Government insurance premiums, if any.

SECTION IV.

ALLOTMENTS AND FAMILY ALLOWANCES UNDER WAR RISK INSURANCE ACT.

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(See also "Reports in case of death, discharge, appointments, or desertion," in par. 7.)

25. Limitation of allotments under the act.—From and after the date of receipt of these regulations, allotments under the war risk insurance act will be limited to Class A or compulsory allotments; Class B, or voluntary allotments, for the benefit of dependent relatives of Class B; Class C, or Government insurance premium allotments; and, Class D, or allotments for the payment of premiums on policies held in private companies, societies, or organizations. Class B allotment will not exceed

the amount prescribed in paragraph 37 as a condition to securing family allowance for the dependent relatives of Class B. If the soldier desires to make further allotments to dependent relatives of Class A or Class B, such allotments will be made under the provisions of the act of March 2, 1899, as amended, designated as Class E allotments, using Q. M. C. Form No. 38. (See Sec. V.)

26. Article II of the act applies to "enlisted men."—Section 200, Article II, of the act states:

That the provisions of this article shall apply to all enlisted men in the military or naval forces of the United States.

Paragraph (7), section 22, quoted in paragraph 8 of these regulations, defines the term "enlisted man."

27. Persons included or excluded in term "enlisted men."—Relative to section 22, Decisions (T. D. 7, W. R., and T. D. 8, W. R.) of the Bureau of War Risk Insurance, Treasury Department, read as follows:

Persons included:

(1) *Field clerks, Quartermaster's Corps:* Field clerks, Quartermaster's Corps, are within the terms of the act as enlisted men.

(2) *Army field clerks:* Army field clerks have the same military status as field clerks, Quartermaster's Corps, and are within the terms of the act as enlisted men.

(3) *Members of training camps:* Members of training camps who are enlisted men are within the terms of the act.

(4) *Students in aviation camps:* Students in aviation camps who are enlisted men are within the terms of the act.

(5) *Medical officers, Public Health Service:* Officers of the Public Health Service when detailed for duty with the Army or the Navy are within the terms of the act as officers in the active service of the United States. (See Decision No. 3 (8) as to "contract surgeons.")

(6) *Male nurses, enlisted:* Male nurses who are enlisted men of the Medical Department are within the terms of the act. (But see Decision No. 3 (9) as to civilians employed as "contract nurses.")

(7) *Retired officers or men ordered to active duty:* Officers and men on the retired list who are ordered to active duty by the War Department or the Navy Department are in active service and are within the terms of the act.

(8) *Personnel of Lighthouse Service*: The personnel of the Lighthouse Service transferred to the service and jurisdiction of the War and the Navy Departments by Executive Order pursuant to the act of August 29, 1916, are within the terms of the act of October 6, 1917.

Persons excluded:

(1) *Cadets at West Point and midshipmen at Annapolis*: Cadets at West Point and midshipmen at Annapolis who are not assigned to active service are not within the terms of the act.

(2) *Cadets and cadet engineers, Coast Guard*: Cadets at the Coast Guard Academy and cadet engineers in the Coast Guard who are not assigned to active service are not within the terms of the act.

(3) *Russian Railway Service Corps*: Men in the Russian Railway Service Corps are not within the terms of the act.

(4) *Draftsmen in Engineer Corps*: Draftsmen in the Engineer Corps are civilian employees in the Military Establishment obtained by the department through the civil service and are not within the terms of the act.

(5) *Field clerks, Engineer Corps*: The so-called field clerks in the Engineer Corps are civilian employees who have no military status. They are not within the terms of the act.

(6) *Civilian field clerks, Signal Corps*: Civilian field clerks, Signal Corps, are civilian employees in the Military Establishment, and are not within the terms of the act.

(7) *Postal agents serving in France*: Postal agents sent to France by the Post Office Department to handle field mail for the troops are civilian employees and are not within the terms of the act.

(8) *Contract surgeons*: Contract surgeons are civilians under employment by the United States by contract for their personal services as medical attendants to the troops and are not within the terms of the act. (See Decision No. 2 (5) as to medical officers, Public Health Service.)

(9) *Contract nurses*: Civilians employed as "contract nurses" in the Army or the Navy are not within the terms of the act. (But see Decision No. 2 (6) as to enlisted male nurses.)

28. Class A allotments provided for.—Particular attention is directed to section 201 of the war risk insurance act, which reads as follows:

SEC. 201. That allotment of pay shall, subject to the conditions, limitations, and exceptions hereinafter specified, be compulsory as to wife, a former wife divorced who has not remarried and to whom alimony has been decreed, and a child, and voluntary as to any other person; but on the written consent of the wife or former wife divorced, supported by evidence satisfactory to the bureau of her ability to support herself and the children in her custody, the allotment for her and for such children may be waived; and on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations.

The monthly compulsory allotment shall be in an amount equal to the family allowance hereinafter specified except that it shall not be more than one-half the pay, or less than \$15; but for a wife living separate and apart under court order or written agreement or for a former wife divorced, it shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

If there be an allotment for a wife or child, a former wife divorced and who has not remarried shall be entitled to a compulsory allotment only out of the difference, if any, between the allotment for the wife or child or both and one-half of the pay.

An enlisted man making application for exemption from a Class A allotment will forward his application, as hereinbefore provided in case of original application, for transmission to the Director of the Bureau of War Risk Insurance, Washington, D. C. Such application will be accompanied by evidence, in the form of affidavits, or whatever other evidence can be furnished in support of the claim for exemption.

In case there are other parties who have knowledge of the cause upon which claim is based and from whom affidavits have not been obtained, their names and addresses will be forwarded together with other documents.

29. Commencement of Class A allotments.—All compulsory allotments of enlisted men in the service on November 1, 1917, begin on that date, whether proper forms have been executed

or not; for men entering the service after that date the allotments begin on the date of enlistment and will be prorated.

30. Class A allotments immune from forfeiture by sentence of courts-martial.—Compulsory allotments are immune from forfeiture by sentence of courts-martial. (See 1370½, A. R., or 311, Manual Courts-Martial.)

Treasury Decision 11, War Risk, reads, in part, as follows:

(1) *Compulsory allotments.*—If a man is enlisted into or discharged from or dies in the military or naval service of the United States within any month the compulsory allotment to be made from his pay shall be prorated in accordance with the Government salary table. Upon the happening within any month of any event which gives rise to, or terminates, or increases or decreases the obligation to make a compulsory allotment, the compulsory allotment shall be prorated as above according to the number of days in the month that the obligation (or the increased or decreased obligation) to make a compulsory allotment existed.

(3) *Family allowances.*—In every case where the allotment (either compulsory or voluntary) is prorated, the family allowance shall be prorated in like manner. But nothing herein shall interfere with the payment of the family allowance for one month after the enlisted man is discharged from the service as provided in section 204.

31. Class A allotments—Children in custody of divorced wife provided for—Exemption therefrom.—Treasury Decision 9, War Risk, reads as follows:

An enlisted man is divorced from his wife and in the decree the divorced wife is given custody of the children but no alimony is granted for the support of either the wife or the children. Is the enlisted man required to make a compulsory allotment for the children?

The act of October 6, 1917, stipulates no condition, except waiver or exemption under section 201, upon which the children of an enlisted man may be deprived of their right to an allotment from his pay. This is in direct contrast to the right of a wife; for in section 201 it is expressly provided that where the wife is divorced the allotment for her shall not exceed the amount specified in the decree to be paid to her. As to a divorced wife, therefore, the right to share in the enlisted man's pay is terminated upon the issuance of a decree awarding no alimony. The act con-

tains no such limitation, however, with respect to the rights of the children, and such limitations should not be imposed unless the act plainly requires it. It should be further noted that the basis of the right to an allotment is essentially one of relationship, and that while the relationship of husband and wife may be terminated by law the relationship of father and child can not.

The enlisted man must make a compulsory allotment for his children in the circumstances stated, unless the allotment is waived or an exemption is granted under section 201 of the act.

Treasury Decision 10, War Risk, reads as follows:

Section 201 of the act of October 6, 1917, contains the provision, with reference to the compulsory allotment, that "on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations."

Section 13 contains the provision that "wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury."

Under the authority conferred by the foregoing provisions of the act, the following regulation is issued relating to exemption from the compulsory allotment for children where they are in custody of divorced wife and no alimony granted for their support, under section 201 of the act of October 6, 1917:

Where an enlisted man is divorced from his wife and in the decree the divorced wife is given custody of the children but no alimony is granted for the support either of the wife or of the children, the enlisted man may, upon application to the bureau, be exempted from the compulsory allotment. The application shall state the name and address of the divorced wife and the names and addresses of the children and shall be supported by evidence showing good cause, including a certified copy of the divorce decree and such other information as the bureau may require.

32. Class A allotments when base pay is less than \$30.—Section 201 has been interpreted, in the case where a soldier's

pay is less than \$30 per month, as in the case of the Philippine Scouts, to mean that one-half of the pay is the maximum amount that should be required for the compulsory allotment. (Letter, Bureau of War Risk Insurance, Dec. 28, 1917.)

33. Class B, C, and D allotments provided for.—Voluntary allotments are provided for in the act as follows:

Sec. 202. That the enlisted man may allot any proportion or proportions or any fixed amount or amounts of his monthly pay or of the proportion thereof remaining after the compulsory allotment, for such purposes and for the benefit of such person or persons as he may direct, subject, however, to such conditions and limitations as may be prescribed under regulations to be made by the Secretary of War and the Secretary of the Navy, respectively.

Treasury Decision 11, War Risk, relating to Class B allowances, reads in part as follows:

(2) *Voluntary allotments.*—When a man is enlisted into or discharged from or dies in the military or naval service of the United States within any month and makes a voluntary allotment to begin with the date of his enlistment, or to continue to the date of his discharge or death, the voluntary allotment to be made from his pay shall be prorated in accordance with the Government salary table. If the enlisted man was in the service on the first day of the month in which he makes a voluntary allotment, the allotment shall begin as of the first day of that month unless he specifies that it shall begin on the first day of a succeeding month.

(3) *Family allowances.*—In every case where the allotment (either compulsory or voluntary) is prorated the family allowance shall be prorated in like manner. But nothing herein shall interfere with the payment of the family allowance for one month after the enlisted man is discharged from the services, as provided in section 204.

34. Commencement of Class B allotments.—All voluntary allotments to dependent relatives of Class B should be made to begin on the first day of the month in which executed, if practicable; if impracticable (such as insufficient pay having accrued), then on the first day of the following month.

35. Report required for enlisted men on nonpay status.—When the pay status of an enlisted man, having an allotment running under the war risk insurance act, shows that due to

misconduct he can not meet such allotment before the close of his service, all the facts will be immediately reported through the prescribed channel, for such action by the Bureau of War Risk Insurance, as the case may warrant.

36. Family allowances provided for.—

SEC. 204. That a family allowance of not exceeding \$50 per month shall be granted and paid by the United States upon written application to the bureau by such enlisted man or by or on behalf of any prospective beneficiary, in accordance with and subject to the conditions, limitations, and exceptions hereinafter specified.

That family allowance shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than one month after the termination of the present war emergency. No family allowance shall be made for any period preceding November first, nineteen hundred and seventeen. The payment shall be subject to such regulations as may be prescribed relative to cases of desertion and imprisonment and of missing men.

Subject to the conditions, limitations, and exceptions hereinabove and hereinafter specified, the family allowance payable per month shall be as follows:

Class A: In the case of a man, to his wife (including a former wife divorced) and to his child or children:

- (a) If there be a wife but no child, \$15.
- (b) If there be a wife and one child, \$25.
- (c) If there be a wife and two children, \$32.50, with \$5 per month additional for each additional child.
- (d) If there be no wife but one child, \$5.
- (e) If there be no wife but two children, \$12.50.
- (f) If there be no wife but three children, \$20.
- (g) If there be no wife but four children, \$30, with \$5 per month additional for each additional child.

Class B: In the case of a man or woman, to a grandchild, a parent, brother, or sister:

- (a) If there be one parent, \$10.
- (b) If there be two parents, \$20.
- (c) For each grandchild, brother, sister, and additional parent, \$5.

In the case of a woman, to a child or children:

- (d) If there be one child, \$5.
- (e) If there be two children, \$12.50.

(f) If there be three children, \$20.

(g) If there be four children, \$30, with \$5 per month additional for each additional child.

37. Restriction on family allowances.—Section 205 states:

SEC. 205. That family allowances for members of Class A shall be paid only if and while a compulsory allotment is made to a member or members of such class. The monthly family allowance to a former wife divorced shall be payable only out of the difference, if any, between the monthly family allowance to the other members of Class A and the sum of \$50, and only then if alimony shall have been decreed to her. For a wife living separate and apart under court order or written agreement or to a former wife divorced the monthly allowance, together with the allotment, if any, shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

38. Amount of Class B allotment prescribed as a condition to family allowance.—Relative to section 206, which states:

That family allowances to members of Class B shall be granted only if and while the member is dependent in whole or in part on the enlisted man, and then only if and while the enlisted man makes a monthly allotment of his pay for such member or members equal to the amount of the monthly family allowance as hereinabove specified, except that—

(a) The maximum monthly allotment so required to be made to members of Class B shall be one-half of his pay.

(b) If he is making no allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be \$15 per month.

(c) If he is making the compulsory allotment to a member of Class A, the minimum monthly allotment so designated to be made to members of Class B shall be one-seventh of his pay, but not less than \$5 per month.

On the enlisted man's application, or otherwise for good cause shown, exemption from this additional allotment under Class B as a condition to the allowance may be granted, upon such conditions as may be prescribed by regulations.

Treasury Decision 13, War Risk, reads as follows:

By virtue of the authority conferred in sections 13 and 206 of the act of October 6, 1917, the following regulation is issued concerning exemption from the allotment for Class B as a condition to the family allowance:

"An enlisted man who is making a compulsory allotment for Class A shall, as a condition to securing the family allowance for Class B, be required to allot for Class B one-seventh of his monthly pay but not less than \$5 and shall be automatically exempted, without application, from any further allotment for Class B."

39. Limitations on allowances to members of Class B.—

SEC. 207. That the amount of the family allowance to members of Class B shall be subject to each of the following limitations:

(a) If an allowance is paid to one or more beneficiaries of Class A, the total allowance to be paid to the beneficiaries of Class B shall not exceed the difference between the allowance paid to the beneficiaries of Class A and the sum of \$50.

(b) The total monthly allowance to beneficiaries of Class B added to the enlisted man's monthly allotment to them shall not exceed the average sum habitually contributed by him to their support monthly during the period of dependency but not exceeding a year immediately preceding his enlistment or the enactment of this amendatory act.

The regulation (Treasury Decision 15, War Risk) relative to the amount of the monthly allotment for Class B to be considered in determining whether the limitation in section 207 (b) as to habitual contributions has been exceeded, reads as follows:

In determining whether the total monthly allowance added to the monthly allotment for Class B is in excess of the average sum habitually contributed monthly by the enlisted man to his dependents, only so much of the monthly allotment shall be considered as is necessary as a condition to the family allowance; and any excess allotment over the amount necessary as a condition to the family allowance shall be transmitted to the dependents as an additional contribution by the enlisted man.

40. Apportionment of allotments and allowances between members of Classes A and B.—

SEC. 208. That as between the members of Class A and as between the members of Class B, the amount of the allotment and family allowance shall be apportioned as may be prescribed by regulations.

The regulation (Treasury Decision 14, War Risk) relative to the apportionment of the allotment for Class B and the family allowance, under section 208 of the act of October 6, 1917, reads as follows:

(1) *Rule of apportionment.*—Whenever as indicated below an allotment or a family allowance is to be apportioned among the members of Class B the apportionment shall be on the basis of two shares for a parent and one share for each brother, sister, or grandchild. The total number of shares divided into the amount of the allotment or of the family allowance, as the case may be, will give the amount of each share.

(2) *Apportionment of allotment.*—(a) If the enlisted man makes an allotment for Class B and designates to whom the same shall be paid the allotment shall be paid as designated by him. (b) If the enlisted man makes an allotment for Class B but does not designate to whom the same shall be paid the allotment shall be apportioned among the named members of Class B according to the rule of apportionment above.

(3) *Apportionment of family allowance.*—(a) If the allotment for Class B (whether made in a lump sum or otherwise) is sufficient to secure a family allowance for all persons for whom a family allowance is claimed, the total of the family allowance granted shall be apportioned among the named dependents in Class B according to the rule of apportionment above.

(b) If the allotment for Class B is made in a lump sum and is at least \$15 but less than one-half of the enlisted man's monthly pay and is not sufficient to secure the family allowance for all persons for whom a family allowance is claimed, the allotment shall be considered made in the manner most effective for securing family allowances; provided that the sum of the family allowance that may be granted as specified in section 204 does not exceed the total

sum allotted, subject however to the limitations of section 207. The family allowance granted shall be apportioned among the named dependents in Class B according to the rule of apportionment above.

(c) If individual allotments are made for the several members of Class B and the sum of the allotments is at least \$15 but less than one-half of the enlisted man's pay monthly and if any of the individual allotments is less than the corresponding family allowance (as specified in section 204) for the individual member for whom a family allowance is claimed the total allotment shall be considered made in the manner most effective for securing family allowances; provided that the sum of the total family allowances that may be granted as specified in section 204 does not exceed the total sum allotted, subject however to the limitations of section 207. The family allowance granted shall be apportioned among the named dependents in Class B according to the rule of apportionment above.

41. Payments made by Bureau of War Risk Insurance.—

SEC. 209. The War and Navy Departments, respectively, shall pay over to the Treasury Department monthly the entire amount of such allotments for distribution to the beneficiaries, and the allotments and family allowances shall be paid by the bureau to or for the beneficiaries.

The term "such allotments" means the allotments to dependents of Classes A and B only.

42. Investigation by bureau before award of family allowance.—

SEC. 210. That upon receipt of any application for family allowance the commissioner shall make all proper investigations and shall make an award, on the basis of which award the amount of the allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper. Whenever the commissioner shall have reason to believe that an allowance has been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the award. The amount of each monthly allotment and allowance shall be determined according to the conditions then existing.

SECTION V.

ALLOTMENTS UNDER THE ACT OF CONGRESS APPROVED MARCH 2, 1899, AS AMENDED, DESIGNATED HEREIN AS CLASS E ALLOTMENTS.

	Paragraph.
Act of Mar. 2, 1899, as amended by act of Oct. 6, 1917-----	43
Allotments of officers and retired officers on active duty-----	44
Allotments of enlisted men and retired enlisted men on active duty and permanent civilian employees-----	45
Allotments to run for persons missing or captured by the enemy--	46
Report of death of payee of an allotment-----	47
Discontinuance of allotment before expiration of period-----	48
Renewal of discontinued allotment-----	49

(See also reports in case of death, discharge, appointments, or desertion in paragraph 7.)

43. Act of March 2, 1899, as amended by act of October 6, 1917.—*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section sixteen of the act of Congress approved March second, eighteen hundred and ninety-nine, entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," as amended by the act of March second, nineteen hundred and one, be, and the same is hereby, amended as follows: "The Secretary of War is hereby authorized to permit, under such regulations as he may prescribe, any officer or enlisted man on the active list of the Army, any retired officer or enlisted man of the Army on active duty, and any permanent civilian employee under the jurisdiction of the War Department on duty outside of the continental limits of the United States, to make allotments of his pay for the support of his wife, children, or dependent relatives, or for such other purposes as the Secretary of War may deem proper. All allotments of pay of officers, enlisted men, and civilian employees that have been or shall be paid to designated allottees previous to the receipt by disbursing officer of notice of discontinuance of the same from the officer required by regulations to furnish such notice shall pass to the credit of the disbursing officer who has made or shall make such payments; and, if erroneous payment is made because of the failure of an

officer to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Quartermaster General from the officer who fails to make such report, if such collection is practicable. Nothing herein shall be construed to invalidate allotments now in force." (Approved Oct. 6, 1917.)

44. Allotments of officers and retired officers on active duty.—(a) An officer who does not desire to dispose of his pay accounts as prescribed in paragraph 1259, Army Regulations, 1913, may make an allotment of any portion of his pay for the support of his family or dependent relatives, for his own savings or for any other purpose except that of obtaining an advance on his pay, the difference between the amount so allotted and the total pay due to be drawn by the officer at the place where he is serving. This allotment must be in an amount less than the sum of the officer's monthly pay and longevity pay, and the difference between the total pay due him and the amount allotted will be drawn at the station where he is serving on a pay account prepared to cover the total pay due, with the notation "Deduct for allotment \$——." All allotments of pay will be paid by the depot quartermaster, Washington, D. C., as they accrue, if the casualty list, stoppage circular, or other report shows no bar to payment.

(b) An officer desiring to make an allotment of pay as herein provided will state his allotment on Q. M. C. Form No. 38a, which will be forwarded directly to the depot quartermaster, Washington, D. C. Should the allotment form not be available, the officer may make his allotment in the form of a letter reading:

I hereby allot \$—— of my pay per month for —— months, commencing the 1st day of —— to —— who is my —— and whose address is ——.

(c) Should the officer desire to have the amount of the allotment placed to the credit of his allottee with a bank, he will amplify his letter accordingly, giving the name and location of the bank. This letter should be forwarded in the same manner as is herein provided for the regular allotment form.

(d) An officer who has disposed of his pay accounts as prescribed in paragraph 1259, Army Regulations, 1913, and who desires to substitute an allotment of pay therefor, should, in forwarding his allotment, request the return of said pay accounts.

The pay accounts will be returned by the depot quartermaster through the proper quartermaster where the officer is serving.

(e) Should an officer desire to discontinue an allotment prior to the expiration of the period for which originally made, he will notify the depot quartermaster, Washington, D. C., specifying date, which will be the last day of a month on which he desires the discontinuance to take effect. This notification will be sent directly to the depot quartermaster, Washington, D. C., and when practicable will be mailed sufficiently in advance of the date of discontinuance to insure receipt by the depot quartermaster before said date. In case there is any doubt as to the discontinuance being received through the mails prior to the date specified therein, the officer, at the time of mailing the discontinuance, will notify the depot quartermaster by telegraph of the date of discontinuance, such telegram to be paid for by the officer. The depot quartermaster will acknowledge receipt of all requests for discontinuance of officer's allotments, and officers will continue to deduct from their monthly pay the amount allotted until receipt of such acknowledgment. When this acknowledgment from the depot quartermaster has been received and it is found that the allotment has been withheld for any month or months beyond the date of discontinuance, as specified by the depot quartermaster, Washington, D. C., the officer will take credit on his next succeeding monthly pay account for the amount so withheld beyond the date of actual discontinuance.

(f) It shall be the duty of the immediate commanding officer of any officer who assumes a status which deprives him of pay to ascertain whether the officer has an allotment; and if so, to report the matter to the commanding general of the department or forces with which the officer is serving, who will notify The Adjutant General of the Army by telegraph to discontinue allotment, or to suspend further payments if the facts do not call for total discontinuance.

45. Allotments of enlisted men, retired enlisted men on active duty, and permanent civilian employees.—An enlisted man and a retired enlisted man on active duty wherever located, and a permanent civilian employee of the War Department about to embark for service beyond the sea, or already on over-sea service, may make an allotment of any portion of his pay remaining after deductions are made in compliance with the war-risk insurance act, for his own savings, or for any other purpose, excepting that of obtaining an advance on his pay. (See par. 10.)

46. Allotments to run for persons missing or captured by the enemy.—In case of the capture by the enemy of officers, enlisted men, or permanent civilian employees, and officers, enlisted men, and permanent civilian employees who are missing, and who have made allotments under this section of these regulations, which may expire after their capture, or after they are reported missing, the monthly payments of the same shall be continued until otherwise ordered by the Secretary of War.

47. Report of death of payee of an allotment.—Upon receiving information of the death of any person to whom an allotment is payable by him, the quartermaster properly designated to pay this allotment shall at once report this fact to the grantor's immediate commanding officer.

48. Discontinuance of allotment before expiration of period.—When an enlisted man, or permanent civilian employee, who has made a Class E allotment desires to discontinue it prior to the expiration of the period for which it was granted, the company or detachment commander will prepare a request for discontinuance of allotment (Q. M. C. Form No. 39) in duplicate, and forward the original directly to the depot quartermaster, Washington, D. C., retaining the duplicate for file with the records of the company or detachment office. If Q. M. C. Form No. 39 is not available, allotment may be discontinued by letter forwarded by the grantor's immediate commanding officer. The month for which the last payment is to be made will be specified in the request, but the stoppage of pay to meet the allotment should be continued until receipt from the depot quartermaster, Washington, D. C., of acknowledgment of request for discontinuance. If, on receipt of the request for discontinuance of the allotment, payment thereon has been made beyond the month specified, the depot quartermaster, Washington, D. C., in making acknowledgment, will state the date to which the allotment has been paid, and authorize the repayment to the grantor of any pay deducted in excess of the payment of allotment.

When an allotment is to run for the full period for which granted, no request for discontinuance or notice of expiration is necessary. (See par. 15.)

49. Renewal of discontinued allotment.—When an allotment is discontinued, at the request of the person making it, before the expiration of the term for which it is granted, it shall not be renewed, but a new allotment form may be executed and forwarded, constituting a new allotment.

SECTION VI.

COMPENSATION FOR DEATH OR DISABILITY.

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(See also reports in case of death, discharge, appointments or desertion in paragraph 7.)

50. Payment of compensation for death or disability.—

SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct.

The payment of compensation for death or disability is within the exclusive jurisdiction of the Bureau of War Risk Insurance.

51. Payment at death not made until officially recorded.—

SEC. 307. That compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which he may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II.

52. Payment in case of death for crime.—

SEC. 308. That no compensation shall be payable for death inflicted as a lawful punishment for a crime or military offense except when inflicted by the enemy. A dismissal or dishonorable or bad conduct discharge from the service shall bar and terminate all right to any compensation under the provisions of this article.

53. Burial expenses.—

SEC. 301. * * * If the death occur before discharge or resignation from service, the United States shall pay for burial expenses and the return of body to his home a sum not to exceed \$100, as may be fixed by regulations. * * *

When death occurs in the United States, Alaska, or in the Panama Canal Zone, the provisions, paragraphs 87 and 167, Army Regulations, 1913, shall govern for officers, enlisted men, and members of the Nurse Corps (female).

When death occurs in the sphere of operations of the present war the bodies of deceased persons of the classes named will be brought to the United States for reinterment under such regulations as may from time to time be in force.

54. Services of surgeons.—Section 14 states:

* * * The bureau shall, by arrangement with the Secretary of War and the Secretary of the Navy, respectively, make use of the services of surgeons in the Army and Navy. * * *

55. Governmental medical, surgical, and hospital services in addition to compensation.—

SEC. 302. (3) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary: *Provided*, That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service.

56. Surgeon to make physical examination in cases of applications for compensation.—Upon the request of the Director of the Bureau of War Risk Insurance to The Adjutant General, a surgeon of the Army will be designated to make a physi-

cal examination of the individual whose case is under consideration. The report will be transmitted to the Bureau of War Risk Insurance through The Adjutant General.

SEC. 303. That every person applying for or in receipt of compensation for disability under the provisions of this article shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he refuses to submit himself for, or in any way obstructs, any examination, his right to claim compensation under this article shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and no compensation shall be payable for the intervening period.

Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for.

57. Rehabilitation, and form of enlistment therefor.—Section 304 provides:

That in cases of dismemberment, of injuries to sight or hearing, and of other injuries commonly causing permanent disability, the injured person shall follow such course or courses of rehabilitation, reeducation, and vocational training as the United States may provide or procure to be provided. Should such course prevent the injured person from following a substantially gainful occupation while taking same, a form of enlistment may be required which shall bring the injured person into the military or naval service. Such enlistment shall entitle the person to full pay as during the last month of his active service, and his family to family allowances and allotment as hereinbefore provided, in lieu of all other compensation for the time being. * * *

58. Failure to comply with section 304.—

* * * In case of his willful failure properly to follow such course or so to enlist, payment of compensation shall be suspended until such willful failure ceases and no compensation shall be payable for the intervening period.

59. No compensation paid at same time as service or retirement pay.—

SEC. 312. That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to persons now in or hereafter entering the military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law shall have heretofore accrued. * * *

60. Compensation for Nurse Corps.—

SEC. 312. * * * Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation for such disability or death under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September seventh, nineteen hundred and sixteen.

61. Other provisions of Article III of the act.—

SEC. 301. That if death results from injury—

If the deceased leaves a widow or child, or if he leaves a widowed mother dependent upon him for support, the monthly compensation shall be the following amounts:

- (a) For a widow alone, \$25.
- (b) For a widow and one child, \$35.
- (c) For a widow and two children, \$47.50, with \$5 for each additional child up to two.
- (d) If there be no widow, then for one child, \$20.
- (e) For two children, \$30.
- (f) For three children, \$40, with \$5 for each additional child up to two.
- (g) For a widowed mother, \$20. The amount payable under this subdivision shall not be greater than a sum

which, when added to the total amount payable to the widow and children, does not exceed \$75. This compensation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if such widowed mother is in receipt of compensation under the provisions of this article for the death of her husband. Such compensation shall be payable whether her widowhood arises before or after the death of the person and whenever her condition is such that if the person were living the widowed mother would have been dependent upon him for support.

* * * * *

The payment of compensation to a widow or widowed mother shall continue until her death or remarriage.

The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be incapable, because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity.

Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

As between the widow and the children not in her custody, and as between children, the amount of the compensation shall be apportioned as may be prescribed by regulations. The word "widow" as used in this section shall not include one who shall have married the deceased later than ten years after the time of injury.

SEC. 302. That if disability results from the injury—

(1) If and while the disability is total, the monthly compensation shall be the following amounts:

- (a) If he has neither wife nor child living, \$30.
- (b) If he has a wife but no child living, \$45.
- (c) If he has a wife and one child living, \$55.
- (d) If he has a wife and two children living, \$65.
- (e) If he has a wife and three or more children living, \$75.
- (f) If he has no wife but one child living, \$40, with \$10 for each additional child up to two.

(g) If he has a widowed mother dependent on him for support, then, in addition to the above amounts, \$10.

To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding \$20 per month, as the director may deem reasonable: *Provided, however,* That for the loss of both feet or both hands or both eyes, or for becoming totally blind or helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be \$100 per month: *Provided further,* That no allowance shall be made for nurse or attendant.

* * * * *

SEC. 306. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where, after a medical examination made pursuant to regulations, at the time of discharge or resignation from the service, or within such reasonable time thereafter, not exceeding one year, as may be allowed by regulations, a certificate has been obtained from the director to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, compensation shall be payable for death or disability, whenever occurring, proximately resulting from such injury.

SEC. 309. That no compensation shall be payable, unless a claim therefor be filed, in case of disability, within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however,* That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to exceed one year for good cause shown. If at the time that any right accrues to any person under the provisions of this article, such person is a minor, or is of unsound mind

REGULATIONS FOR WAR RISK INSURANCE.

or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.

SEC. 310. That no compensation shall be payable for any period more than two years prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than one year prior to the date of claim therefor.

SEC. 311. That compensation under this article shall not be assignable, and shall be exempt from attachment and execution and from all taxation.

SEC. 313. That if an injury or death for which compensation is payable under this amendatory act is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, shall require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person. The cause of action so assigned to the United States may be prosecuted or compromised by the director and any money realized thereon shall be placed to the credit of the compensation fund.

SECTION VII.

INSURANCE.

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(See also reports in case of death, discharge, appointments, or desertion, in paragraph 7.)

62. Government insurance; general provisions.—Section 400 of the act reads as follows:

SEC. 400. That in order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female) and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department greater protection for themselves and their dependents than is provided in Article III, the United States, upon application to the bureau and without medical examination, shall grant insurance against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or more than \$10,000, upon the payment of the premiums as hereinafter provided.

63. Rules relating to prorating insurance premiums.—The Bureau of War Risk Insurance has adopted the following rules relating to prorating insurance premiums:

(a) Premiums at the beginning of insurance contract shall not be prorated for the portion of the calendar month in which insurance is applied for. The full month premium is payable on or before the end of the calendar month in which application is made.

(b) At the time of leaving the service no action need be taken by the Army in adjusting insurance premiums, either by deduction from pay in respect of days elapsed since the end of previous calendar month or by refund in respect of days for which insurance premiums have already been collected.

(c) At the time of leaving service insured should receive explicit notice that he must pay premiums direct to the Bureau of War Risk Insurance, Treasury Department, Washington, D. C., if he wishes to continue the insurance, checks or money orders to be drawn to the order of the Treasurer of the United States. He should be notified in writing of the date and amount of such premium payments and this bureau notified at the same time by duplicate memorandum that such action has been taken.

64. Government insurance; decision relative to apportionment of automatic insurance.—Relative to section 401 of the act, Regulation No. 2 of the Bureau of War Risk Insurance, Treasury Department (T. D. 5, W. R.), reads as follows:

Section 401 of the act of October 6, 1917, contains the following provision authorizing automatic insurance:

"Any person in the active service on or after the sixth day of April, nineteen hundred and seventeen, who, while in such service and before the expiration of one hundred and twenty days from and after such publication, becomes or has become totally and permanently disabled or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of \$25 each. If he shall die either before he shall have received any of such monthly installments or before he shall have received two hundred and forty of such monthly installments, then \$25 per month shall be paid to his wife from the time of his death and during her widowhood, or to his child, or widowed mother if and while they survive him: *Provided, however,* That not more than two hundred and forty of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid; and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulations."

Section 13 contains the provision that—

"Wherever under any provision or provisions of the act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury."

Under the authority conferred by the foregoing provisions of the act the following regulations are issued relating to the apportionment of the automatic insurance:

If no beneficiary within the permitted class (only the insured's widow during her widowhood, his child, or his widowed mother) be designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, the insurance shall be payable to such person or persons within the said permitted class of beneficiaries as would under the laws of the State of the residence of the insured be entitled to his personal property in case of intestacy.

65. Disposition of premiums collected.—Section 20 of the act reads in part as follows:

* * * All premiums that may be collected for the insurance provided by the provisions of Article IV shall be deposited and covered into the Treasury to the credit of this appropriation. * * *

66. Insurance other than governmental.—Section 24 of the act reads as follows:

SEC. 24. That the Bureau of War Risk Insurance, so far as practicable, shall upon request furnish information to and act for any persons in the military or naval service, with respect to any contracts of insurance whether with the Government or otherwise, as may be prescribed by regulations. Said bureau may upon request procure from and keep a record of the amount and kind of insurance held by every commissioned and appointive officer and of every enlisted man in the military or naval service of the United States, including the name and principal place of business of the company, society, or organization in which such insurance is held, the date of the policy, amount of premium, name and relationship of the beneficiary, and such other data as may be deemed of service in protecting the interests of the insured and beneficiaries.

Officers and enlisted men carrying insurance other than governmental may, but are not required to, avail themselves of this provision.

67. Other provisions of Article IV of the act.—Other provisions of Article IV of the act read as follows:

SEC. 401. That such insurance must be applied for within one hundred and twenty days after enlistment or after

entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within one hundred and twenty days thereafter and while in such service. * * *

SEC. 402. That the director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance. The insurance shall not be assignable, and shall not be subject to the claims of creditors of the insured or of the beneficiary. It shall be payable only to a spouse, child, grandchild, parent, brother or sister, and also during total and permanent disability to the injured person, or to any or all of them. The insurance shall be payable in two hundred and forty equal monthly installments. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid-up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and practicable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the classes herein provided. If no beneficiary within the permitted class be designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, the insurance shall be payable to such person or persons, within the permitted class of beneficiaries as would under the laws of the State of the residence of the insured, be entitled to his personal property in case of intestacy. If no such person

survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death, calculated on the basis of the American Experience Table of Mortality and three and one-half per centum interest in full of all obligations under the contract of insurance.

SEC. 403. That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum.

SEC. 404. That during the period of war and thereafter until converted the insurance shall be term insurance for successive terms of one year each. Not later than five years after the date of the termination of the war as declared by proclamation of the President of the United States, the term insurance shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty payment life, endowment maturing at age sixty-two and into other usual forms of insurance and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

SEC. 405. That in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder, an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides. The court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed ten per centum of the amount recovered, to be paid by the claimant on behalf of whom such proceedings are instituted to his attorney; and it shall be unlawful for the attorney or for any other person acting as claim agent or otherwise to ask for, contract for, or receive any other compensation because of such action. No other compensation or fee shall

be charged or received by any person except such as may be authorized by the commissioner in regulations to be promulgated by him. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

MONTHLY PREMIUMS FOR EACH \$1,000 OF INSURANCE.

[Each \$1,000 of insurance is payable in installments of \$5.75 per month for 240 months; but if the insured is totally and permanently disabled and lives longer than 240 months the payments will be continued as long as he lives and is so disabled.]

Age.	Monthly premium.	Age.	Monthly premium.	Age.	Monthly premium.	Age.	Monthly premium.
15.....	\$0.63	28.....	\$0.68	41.....	\$0.82	54.....	\$1.44
16.....	.63	29.....	.69	42.....	.84	55.....	1.53
17.....	.63	30.....	.69	43.....	.87	56.....	1.64
18.....	.64	31.....	.70	44.....	.89	57.....	1.76
19.....	.64	32.....	.71	45.....	.92	58.....	1.90
20.....	.64	33.....	.72	46.....	.95	59.....	2.05
21.....	.65	34.....	.73	47.....	.99	60.....	2.21
22.....	.65	35.....	.74	48.....	1.03	61.....	2.40
23.....	.65	36.....	.75	49.....	1.08	62.....	2.60
24.....	.66	37.....	.76	50.....	1.14	63.....	2.82
25.....	.66	38.....	.77	51.....	1.20	64.....	3.07
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